

AMENDED IN SENATE MARCH 30, 1998

SENATE BILL

No. 1707

Introduced by Senator Rainey

February 17, 1998

An act to add Section 2080.10 to the Civil Code, relating to safekeeping of property.

LEGISLATIVE COUNSEL'S DIGEST

SB 1707, as amended, Rainey. Safekeeping of property.

Existing law requires the delivery of lost or unclaimed property having a value of \$100 or more to the police or sheriff's department, which is required to restore the property to the owner if he or she claims the property within 90 days.

~~This bill would require, in any other instance in which any public agency, as defined, has seized or secured property for safekeeping, that the public agency is responsible for the storage, documentation, and disposition of that property. It would require that if the address of the owner is reasonably ascertainable, the public agency must notify the owner with instructions on where to claim the property, as specified. The bill would also specify that compliance with the bill negates any civil liability on behalf of the custodian of the property or the public agency for withholding the property.~~

Existing law requires, when property is taken from an arrested defendant, the officer taking it to, at that time, give duplicate receipts therefor, one for the defendant and one for the Clerk of the Court to which the depositions and statement are to be sent.

This bill would require, when a public agency obtains possession of personal property from its owner for temporary safekeeping, the public agency to take responsibility for the storage, documentation, and disposition of the property and provide the owner of the property with a receipt and instructions for the retrieval of the property, as specified. The bill would provide that the receipt and instructions are to notify the owner that the property must be claimed within 60 days after the public agency obtains possession or the property will be disposed of, as specified.

This bill would impose a state-mandated local program by requiring new duties of local public agencies.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2080.10 is added to the Civil
 2 Code, to read:
 3 2080.10. ~~(a) "Safekeeping property" means property~~
 4 ~~that is being temporarily held by a public agency for the~~
 5 ~~owner, except as provided in Section 2080.1.~~
 6 ~~(b) Any public agency having seized or secured~~
 7 ~~property for safekeeping is responsible for the storage,~~
 8 ~~documentation, and disposition of that property. If the~~
 9 ~~address of the owner is reasonably ascertainable, the~~
 10 ~~public agency holding the property shall notify the owner~~
 11 ~~with instructions on where to retrieve the property.~~

~~(c) Whenever possible, a public agency shall provide the property owner with a receipt and instructions for the retrieval of the property at the time of booking or seizure, or shall immediately cause a receipt and instructions for retrieval to be made to the property owner by mail.~~

~~(d) Except as provided in Section 2080.2, the receipt shall notify the owner of the property that the property must be claimed within 30 days of the date of seizure or the property will be disposed of in accordance to law. This notification may be incorporated in jail booking sheets. The receipt or notice shall also inform the owner that failure to claim the property within the 30-day period will invalidate any claim to the property.~~

~~(e) Compliance with this section negates any civil liability on behalf of the custodian of the property or the public agency for withholding the property.~~

~~(f)–~~

2080.10. (a) When a public agency obtains possession of personal property from its owner for temporary safekeeping, the public agency shall do both of the following:

(1) Take responsibility for the storage, documentation, and disposition of the property.

(2) Provide the owner of the property with a receipt and instructions for the retrieval of the property. The receipt and instructions shall either be given to the owner at the time the public agency obtains the property or immediately mailed, by first-class mail, to the owner.

(b) The receipt and instructions shall notify the owner that the property must be claimed within 60 days after the public agency obtains possession or the property will be disposed of in accordance with the disposal provisions of this article.

(c) The public agency shall not be liable for damages caused by any official action made in good faith regarding the disposition of personal property pursuant to this section and the disposal provisions of this article.

(d) As used in this section, “public agency” means any state agency, including the Department of General Services and the Department of Parks and Recreation,

1 any city, county, city and county, special district, or other
2 political subdivision.

3 SEC. 2. Notwithstanding Section 17610 of the
4 Government Code, if the Commission on State Mandates
5 determines that this act contains costs mandated by the
6 state, reimbursement to local agencies and school
7 districts for those costs shall be made pursuant to Part 7
8 (commencing with Section 17500) of Division 4 of Title
9 2 of the Government Code. If the statewide cost of the
10 claim for reimbursement does not exceed one million
11 dollars (\$1,000,000), reimbursement shall be made from
12 the State Mandates Claims Fund.

13 Notwithstanding Section 17580 of the Government
14 Code, unless otherwise specified, the provisions of this act
15 shall become operative on the same date that the act
16 takes effect pursuant to the California Constitution.

